

REMARKS

Reconsideration of this application is respectfully requested.

The above amendment to claim 1 is merely to correct a minor typographical error in the earlier submitted amendment.

To insure responsiveness to each section of the Examiner's lengthy Office Action, the following response will be made with respect to the numbered paragraphs appearing throughout the text of the Office Action:

In Section 3, the Examiner alleges that applicant's earlier arguments are:

"not persuasive with previous cited references for 35 U.S.C. §103(a) rejections because whether being obvious or directly/indirectly stated, the subject matter were available through prior art". [Emphasis Added]

However, the Examiner's conclusory statement fails to offer any specific factual-based rebuttal to the many arguments presented throughout pages 9-13 of applicant's June 20, 2000 submission. Such subjective and merely conclusory statements are totally insufficient to support any ground of rejection under 35 U.S.C. §103.

With respect to Section 4, the Examiner alleges that newly presented claim 30 has necessitated a new ground of rejection based on three US patents: Vrieland '665; Rosenthal '659 and Shepherd '731. However, the undersigned has been unable to find any such new ground of rejection for claim 30 based on any of these references -- and, indeed, none of these references are listed in any notice of references cited, Form PTO-892 or the like. Accordingly, it is impossible for the undersigned to presently respond to

a non-existing "new ground of rejection" that the Examiner apparently intended to include somewhere in the remainder of the Office Action, but which is not there to be found.

With respect to Section 5, the Examiner apparently takes issue with the applicant's earlier argument that "that there is no basis in any of these references for the conclusions reached by the Examiner...". However, rather than actually respond to this specific arguments being made by the applicant at pages 9-13 of the June 20, 2000 submission, the Examiner again simply falls back on broad conclusory statements -- which are devoid of any specific application to the specific prior art and claimed invention here at issue:

"These references became at least obvious/analogous/similar applications in data processing/computer/communication areas of their technique in achieving claimed results; and the examiner sees there is nothing inappropriate to cite these references because they actually are related to claims' subject matters, moreover the applicant did considering these prior art by submitting them for consideration in a related PCT application.

Separate cited references might not expressly disclose exactly claimed languages as of the applicants.

However, the examiner also submits that all claimed's limitations are well-known in the art (see extra cited references); cited prior art's limitations are not necessary spelled-out exactly claimed languages, because these prior references are also directed to a similar system/method for protecting downloaded data. Cited prior arts are not limited to the described embodiments in these references.

It is reasonable that various modifications and variations of prior art would be apparent to those skilled in the art at the time of invention without departing from the scope and spirit of these references. Although these cited prior art have been described in connection with specific preferred embodiments, it should be understood that their limitations should not be unduly limited to such specific embodiments. Furthermore, in response to the amendment, the examiner submits court cases (see the

remark portion) which are relevant to applicants' arguments. These court cases are decisions of 35 U.S.C. §103(a) rejections of this application."

The Examiner continues to omit any specific rationale for finding any suggestion in any of these four references for making the selective piece meal recombination now asserted to have been "obvious" to others having only ordinary skill in the art at a relevant earlier time. There is absolutely no analysis of any Graham v. Deere factors or any other facts. The Examiner seems to think that his job is completed if he can find, arguendo, each individual claimed feature in some one of a group of prior art references - regardless of context or actually contrary teachings in these various references. However, such generalizations in a vacuum do not at all rebut applicant's earlier submitted arguments at pages 9-13 of the June 20, 2000 submission.

With respect to Sections 6 and 7, the rejection of claims 1-8, 12, 14-18, 21-26 and 28-30 under 35 U.S.C. §103 as allegedly being made "obvious" over what is now a five-way combination of references (Yordon, Dean et al, Wobber et al, Richardson and "Official Notice") is respectfully traversed.

With respect to the Examiner's inclusion of something called "Official Notice", in accordance with standard MPEP practice, the Examiner is respectfully requested to particularly cite prior art to support any such "Official Notice".

Actually, although the Examiner has added "Official Notice" to the list of references being relied upon, the comments made by the Examiner appear to be identical

text to the first Official Action except that the word "nevertheless" has been deleted from the final paragraph containing the Examiner's ultimate conclusions that one skilled in the art "would need no inventive activity to infer from the general teachings...".

With respect to Sections to 8, 9 and 10, the Examiner's comments considering claims 5-6, 17, 7-8 and 9-16 appear to be identical to comments made in the first Office Action. Once again, there is no substantive rebuttal to applicant's arguments as appearing at pages 9-13 of the June 20, 2000 submission.

It is also noted that the Examiner's copied text from the first Office Action fails to take into account the fact that claims 9-11 and 13 are no longer pending.

Furthermore, no comment whatsoever appears to have been made with respect to applicant's pending claims 2-4, 18, 21-26 and 28-30 (that is, there is no substantive comment with respect to why these particular claims are being rejected). This group of claims includes a number of independent claims as well as dependent claims. Since they have all been categorized as "rejected", the Examiner is respectfully requested to explain why each of these claims is not considered to be patentable.

Sections 12 and 13, do not offer any specific comment or insight whatsoever with respect to any specific claim language or issue that is actually present in this case. The case law that is cited is mostly old outdated law that reduces to general statements that have little if any significance with respect to any particular factual situation other than

that which was present in the particular case being decided at that time. Clearly the present case has nothing to do with respect to making old devices portable or movable without producing any new and unexpected result. Nor is there any present issue with respect to relative terms in the claims being given overly broad or overly narrow interpretations. Nor is there any allegation of something being "incredible" nor is there any allegation that the cited prior art is necessarily limited to some particular details of some particular exemplary embodiment. Nor is there any product-by-process claim, etc., etc. Accordingly, no intelligible comment in "rebuttal" to any of the case law cited by the Examiner is possible at this time given the state of the current record.

The above amendment to claim 1 is merely to correct a minor typographical error in the earlier submitted amendment.

Accordingly, this entire application is now believed to be in allowable condition and a Notice to that effect is respectfully solicited.

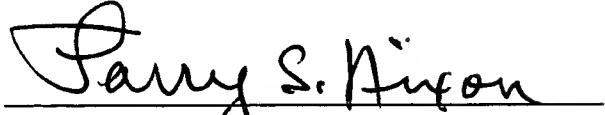
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page/s is/are captioned "**Version With Markings To Show Changes Made.**"

BRAMHILL et al
Serial No. **09/091,735**

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in cursive script, reading "Larry S. Nixon", written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

1. (Twice Amended) A method of protecting data sent from a server to a client, said method comprising:

running a program portion at the client, the program portion generating and uploading to the server a request for access to data:

cryptographically protecting the data;

sending the cryptographically protected data to the client; and

under control of the program portion, converting the cryptographically protected data to an unprotected form and selectively controlling access to copy or save functions at the client in respect of the data in its unprotected [at] form.